UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/54/637
S/1999/1204
29 November 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-fourth session
Agenda item 160
MEASURES TO ELIMINATE
INTERNATIONAL TERRORISM

SECURITY COUNCIL
Fifty-fourth year

Letter dated 19 November 1999 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General

I have the honour, in my capacity as Chairman of the Islamic Group, to enclose herewith the text of the Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted by the Islamic Conference of Foreign Ministers at its twenty-sixth session, held at Ouagadougou from 28 June to 1 July 1999 (see annex).*

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 160, and of the Security Council.

(Signed) Michel KAFANDO

* The annex is being circulated in the languages of submission only.

Annex

[Original: Arabic, English and French]

# CONVENTION OF THE ORGANIZATION OF THE ISLAMIC CONFERENCE ON COMBATING INTERNATIONAL TERRORISM

# RESOLUTION NO. 59/26-P
# ON THE
# FOLLOW-UP OF THE CODE OF CONDUCT FOR COMBATING INTERNATIONAL TERRORISM

The Twenty-sixth Session of the Islamic Conference of Foreign Ministers, *(Session of Peace and Partnership for Development)* held in Ouagadougou, Burkina Faso, from 15 to 18 Rabi ul Awwal 1420H (28 June to 1 July, 1999),

Recalling Resolution 43/7-P (IS) of the Seventh Session of the Islamic Summit, which approved the Code of Conduct for combating international terrorism; and resolution 54/8-P(IS) of the Eighth Session of the Summit Conference and resolution 54/25-P of the Twenty-fifth Islamic Conference of Foreign Ministers on the follow-up of the Code of Conduct for combating international terrorism;

Also recalling the U.N. Resolution No. 60/49 relating to the Declaration of principles on the fight against international terrorism:

Reaffirming the determination to combat terrorist acts in all their forms and manifestations, including those where States are involved directly or indirectly;

Reiterating the commitment to combat terrorism in all its forms and manifestations, to eliminate the objectives and causes of terrorism directed against the life and property of innocent people and the sovereignty, territorial integrity, stability and security of States, and to uphold the provisions of the Code of Conduct for combatting international terrorism, which reaffirm this commitment;

Emphasizing the importance of international and regional cooperation, especially among Member States, including coordination and exchange of informaion among their competent authorities in combating effectively all forms of terrorism;

Reiterating its call to Member States to observe the principles of good neighbourliness and non-interference in the internal affairs of States and to prevent the use of their territories by individuals or groups for the perpetration of territorist acts against other Member States;

Emphasizing the importance of establishing a climate of confidence and solidarity among Member States;

Alarmed at the continuing acts of violence and the increasing level of attendant atrocities specially those targeting foreign tourists recently;

Strongly condemns terrorism in all its forms and manifestations including state terrorism against all States and peoples;

Conscious of the negative repercussions of all forms of terrorism on the image of Islam;

Having considered the report of the Secretary General of the OIC on the follow up of the Code of Conduct for Combating International Terrorism submitted in document No. (ICFM/26-99/LEG/D.4B);

1. Declares that Islam is innocent of all forms of terrorism which involve the murder of innocent people whose killing is forbidden by Allah.

2. Strongly condemns the perpetrators of such odious crimes, who pretend to act in the name of Islam or under any other pretext.

3. Calls upon all states not to grant asylum to these terrorists, and to take all necessary measures to help bring them to justice.

4. Affirms the determination of Member States to concert their efforts to combat all forms and manifestations of terrorism, including state terrorism against all states and peoples.

5. Reaffirms that the struggle of peoples under colonialist or alien domination or under foreign occupation, for their national liberation or to regain their right to self-determination, does not constitute an act of terrorism.

6. Reaffirms the commitment of Member States to the provisions of the Code of Conduct for Combating International Terrorism especially those reaffirming their commitment to refrain from undertaking, attempting or participating in any way in financing, instigating or supporting any acts of terrorism, directly or indirectly and also those committing them to take all necessary measures to ensure that their territories are not used as a base for planning, organizing, executing, initiating or participating in any terrorist activity.

7. Calls upon OIC Member States to make every effort to enhance their cooperation, in accordance with their internal laws and relevant international arrangements and conventions, in countering and combating terrorist acts, prosecuting their perpetrators or handing them over to their respective countries or to the state where the act had been committed, in accordance with their bilateral agreements and arrangements as well as cooperation in the fields of exchange of relevant information on terrorists and their activities.

8. Calls upon Member States to follow-up the Code of Conduct for combating Terrorism, and to coordinate their stands and cooperate in the light of the principles and provisions stipulated in the Code of Conduct within all the international conferences and fora concerned with terrorism and international terrorism.

9. Takes note of the report of the Group of Governmental Experts on its Third Meeting held in Jeddah from 4 to 6 Rajab 1419H (24-26 October 1998) in accordance with Resolution 54/25-P and approves the Draft Convention of the OIC for combating international terrorism and calls upon Member States to take necessary steps to sign and ratify it.

10. Requests the Secretary General to follow-up the implementation of this resolution in close cooperation with the Member States, and to submit a report thereon to the Twenty-seventh Session of the Islamic Conference of Foreign Ministers.

# CONVENTION
# OF THE ORGANISATION
# OF THE ISLAMIC CONFERENCE
# ON
# COMBATING INTERNATIONAL TERRORISM

The Member States of the Organisation of the Islamic Conference,

Pursuant to the tenets of the tolerant Islamic Sharia which reject all forms of violence and terrorism, and in particular specially those based on extremism and call for protection of human rights. which provisions are parallelled by the principles and rules of international law founded on cooperation between peoples for the establishment of peace;

Abiding by the lofty, moral and religious principles particularly the provisions of the Islamic Sharia as well as the human heritage of the Islamic Ummah.

Adhering to the Charter of the Organisation of the Islamic Conference, its objectives and principles aimed at creating an appropriate atmosphere to strengthen cooperation and understanding among Islamic States as well as relevant OIC resolutions;

Adhering to the principles of International Law and the United Nations Charter as well as all relevant UN resolutions on procedures aimed at eliminating international terrorism. and all other conventions and international instruments to which states acceding to this Convention are parties and which call, inter alia, for the observance of the sovereignty, stability, territorial integrity, political independence and security of states, and non-intervention in their international affairs;

Proceeding from the rules of the Code of Conduct of the Organization of Islamic Conference for Combating International Terrorism:

Desiring to promote cooperation among them for combating terrorist crimes that threaten the security and stability of the Islamic States and endanger their vital interests;

Being committed to combating all forms and manifestations of terrorism and eliminating its objectives and causes which target the lives and properties of people;

Confirming the legitimacy of the right of peoples to struggle against foreign occupation and colonialist and racist regimes by all means, including armed struggle to liberate their territories and attain their rights to self-determination and independence in compliance with the purposes and principles of the Charter and resolutions of the United Nations;

Believing that terrorism constitutes a gross violation of human rights, in particular the right to freedom and security, as well as an obstacle to the free functioning of institutions and socio-economic development, as it aims at destabilizing States;

Convinced that terrorism cannot be justified in any way, and that it should therefore be unambiguously condemned in all its forms and manifestations, and all its actions, means and practices. whatever its origin, causes or purposes, including direct or indirect actions of States;

Recognizing the growing links between terrorism and organized crime, including illicit trafficking in arms, narcotics, human beings and money laundering;

Have agreed to conclude this Convention, calling on all Member States of the Organization of the Islamic Conference to accede to it.

## Definition and General Provisions

### Article I

For the purposes of this Convention:

1. "Contracting State" or "Contracting Party" means every Member State in the Organisation of the Islamic Conference that has ratified or adhered to this Convention and deposited its instruments of ratification or adherence with the General Secretariat of the Organisation.

2. "Terrorism" means any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honour, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities. or threatening the stability, territorial integrity, political unity or sovereignty of independent States.

3. "Terrorist Crime" means any crime executed, started or participated in to realize a terrorist objective in any of the Contracting States or against its nationals, assets or interests or foreign facilities and nationals residing in its territory punishable by its internal law.

4. Crimes stipulated in the following conventions are also considered terrorist crimes with the exception of those excluded by the legislations of Contracting States or those who have not ratified them:

a) Convention on "Offences and Other Acts Committed on Board of Aircrafts" (Tokyo, 14.9.1963).

b) Convention on "Suppression of Unlawful Seizure of Aircraft" (The Hague, 16.12.1970).

c) Convention on "Suppression of Unlawful Acts Against the Safety of Civil Aviation" signed at Montreal on 23.9.1971 and its Protocol (Montreal, 10.12.1984).

d) Convention on the "Prevention and Punishment of Crimes Against Persons Enjoying International Immunity, Including Diplomatic Agents" (New York, 14.12.1973).

e) International Convention Against the Taking of Hostages (New York, 1979).

f) The United Nations Law of the Sea Convention of 1988 and its related provisions on piracy at sea.

g) Convention on the "Physical Protection of Nuclear Material" (Vienna, 1979).

h) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation-Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, 1988).

i) Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf (Rome, 1988).

j) Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (Rome, 1988).

k) International Convention for the Suppression of Terrorist Bombings (New York, 1997).

l) Convention on the Marking of Plastic Explosives for the purposes of Detection (Montreal, 1991)

## Article 2

a) Peoples' struggle including armed struggle against foreign occupation, aggression, colonialism, and hegemony, aimed at liberation and self-determination · in accordance with the principles of international law shall not be considered a terrorist crime.

b) None of the terrorist crimes mentioned in the previous article shall be considered political crimes.

c) In the implementation of the provisions of this Convention the following crimes shall not be considered political crimes even when politically motivated:

1. Aggression against kings and heads of state of Contracting States or against their spouses, their ascendants or descendants.

2. Aggression against crown princes or vice-presidents or deputy heads of government or ministers in any of the Contracting States.

3. Aggression against persons enjoying international immunity including Ambassadors and diplomats in Contracting States or in countries of accreditation.

4. Murder or robbery by force against individuals or authorities or means of transport and communications.

5. Acts of sabotage and destruction of public properties and properties geared for public services, even if belonging to another Contracting State.

6. Crimes of manufacturing, smuggling or possessing arms and ammunition or explosives or other materials prepared for committing terrorist crimes.

d) All forms of international crimes, including illegal trafficking in narcotics and human beings money laundering aimed at financing terrorist objectives shall be considered terrorist crimes.

## Section II
## Foundations of Islamic Cooperation for Combating Terrorism

### Chapter I
### In the Field of Security

### Division I
### MEASURES TO PREVENT AND COMBAT TERRORIST CRIMES.

### Article 3

I. The Contracting States are committed not to execute, initiate or participate in any form in organizing or financing or committing or instigating or supporting terrorist acts whether directly or indirectly.

II. Committed to prevent and combat terrorist crimes in conformity with the provisions of this Convention and their respective domestic rules and regulations the contracting States shall see to:

**(A) Preventive Measures:**

1. Barring their territories from being used as an arena for planning, organizing. executing terrorist crimes or initiating or participating in these crimes in any form; including preventing the infiltration of terrorist elements or their gaining refuge or residence therein individually or collectively, or receiving hosting, training, arming, financing or extending any facilities to them.

2. Cooperating and coordinating with the rest of the Contracting States, particularly neighbouring countries which suffer from similar or common terrorist crimes.

3. Developing and strengthening systems relating to detecting transportation, importing. exporting stockpiling. and using of weapons, ammunition and explosives as well as other means of aggression, killing and destruction in addition to strengthening trans-border and custom controls in order to intercept their transfer from one Contracting State to another or to other States unless they are intended for specific legitimate purposes.

4. Developing and strengthening systems related to surveillance procedures, securing borders, and land, sea and air passages in order to prevent infiltration through them.

5. Strengthening systems for ensuring the safety and protection of personalities, vital installations and means of public transport.

6. Re-enforcing protection, security and safety of diplomatic and consular persons and missions; and regional and international organizations accredited in the Contracting State in accordance with the conventions and rules of international law which govern this subject.

7. Promoting security intelligence activities and coordinating them with the intelligence activities of each Contracting State pursuant to their respective intelligence policies, aimed at exposing the objectives of terrorist groups and organisations, thwarting their designs and revealing the extent of their danger to security and stability.

8. Establishing a data base by each Contracting State to collect and analyze data on terrorist elements, groups, movements and organizations and monitor developments of the phenomenon of terrorism and successful experiences in combating it. Moreover, the Contracting State shall update this information and exchange them with competent authorities in other Contracting States within the limits of the laws and regulations in every State.

9. To take all necessary measures to eliminate and prevent the establishment of webs supporting all kinds of terrorist crimes.

**B. Combating Measures:**

1. Arresting perpetrators of terrorists crimes and prosecuting them according to the national law or extraditing them in accordance with the provisions of this Convention or existing Conventions between the requesting and requested States.

2. Ensuring effective protection of persons working in the field of criminal justice as well as to witnesses and investigators.

3. Ensuring effective protection of information sources and witnesses on terrorist crimes.

4. Extending necessary assistance to victims of terrorism.

5. Establishing effective cooperation between the concerned organs in the contracting States and the citizens for combating terrorism including extending appropriate guarantees and appropriate incentives to encourage informing on terrorist acts and submitting information to help uncover them and cooperating in arresting the perpetrators.

## Division II
## Areas of Islamic cooperation for preventing and combating terrorist crimes.

### Article 4

Contracting States shall cooperate among themselves to prevent and combat terrorist crimes in accordance with the respective laws and regulations of each State in the following areas:

### First: Exchange of Information

1. Contracting States shall undertake to promote exchange of information among them as such regarding:

   a) Activities and crimes committed by terrorist groups, their leaders, their elements, their headquarters, training, means and sources that provide finance and weapons, types of arms, ammunition and explosives utilized as well as other ways and means to attack, kill and destroy.

   b) Means of communications and propaganda utilized by terrorist groups, how they act, movement of their leaders, their elements and their travel documents.

2. Contracting States shall expeditiously inform any other Contracting State regarding available information about any terrorist crime perpetrated in its territory aimed at undermining the interests of that State or its nationals and to state the facts surrounding the crime in terms of its circumstances, criminals involved, victims, losses, devices and methods utilized to carry out the crime, without prejudicing investigation and inquiry requisites.

3. Contracting States shall exchange information with the other Parties to combat terrorist crimes and to inform the Contracting State or other States of all available information or data that could prevent terrorist crimes within its territory or against its nationals or residents or interests.

4. The Contracting States shall provide any other Contracting State with available information or data that will:

   a) Assist in arresting those accused of committing a terrorist crime against the interests of that country or being implicated in such acts either by assistance, collusion, instigation, or financing.

b) Contribute to confiscating any arms, weapons, explosives, devices or funds spent or meant to be spent to commit a terrorist crime.

5. The Contracting States undertake to respect the confidentiality of information exchanged between them and shall refrain from passing it to any non-Contracting States or other parties without prior consent of the source country.

**Second: Investigation**

Each Contracting State pledges to promote cooperation with other contracting states and to extend assistance in the field of investigation procedures in terms of arresting escaped suspects or those convicted for terrorist crimes in accordance with the laws and regulations of each country.

**Third: Exchange of Expertise**

1. Contracting States shall cooperate with each other to undertake and exchange studies and researches on combating terrorist crimes as well as exchange of expertise in this field.

2. Contracting States shall cooperate within the scope of their capabilities to provide available technical assistance for preparing programmes or holding joint training sessions with one or more Contracting State if the need arises for personnel required in the field of combating terrorism in order to improve their scientific and practical potential and upgrade their performance standards.

**Fourth: Education and Information Field**

The Contracting States shall cooperate in:

1. Promoting information activities and supporting the mass media in order to confront the vicious campaign against Islam, by projecting the true image of tolerance of Islam, and exposing the designs and danger of terrorist groups against the stability and security of Islamic States.

2. Including the noble human values, which proscribe the practice of terrorism in the educational curricula of Contracting States.

3. Supporting efforts aimed at keeping abreast of the age by introducing an advanced Islamic thought based on ijtihad by which Islam is distinguished.

## Chapter II
## In the Judicial Field

### Section I
### Extraditing Criminals

### Article 5

Contracting States shall undertake to extradite those indicted or convicted of terrorist crimes, requested for extradition by any of these countries in compliance with the rules and conditions stipulated in this Convention.

### Article 6

Extradition shall not be permissible in the following cases:

1. If the Crime for which extradition is requested is deemed by the laws enforced in the requested Contracting State as one of a political nature and without prejudice to the provisions of Article 2, paragraphs 2 and 3 of this Convention for which extradition is requested.

2. If the Crime for which extradition is sought relates solely to a dereliction of military obligations.

3. If the Crime for which extradition is requested, was committed in the territory of the requested Contracting State, unless this crime has undermined the interests of the requesting Contracting State and its laws stipulate that the perpetrators of those crimes shall be prosecuted and punished providing that the requested country has not commenced investigation or trial.

4. If the Crime has been the subject of a final sentence which has the force of law in the requested Contracting State.

5. If the action at the time of the extradition request elapsed or the penalty prescribed in accordance with the law in the Contacting State requesting extradition.

6. Crimes committed outside the territory of the requesting Contracting State by a person who was not its national and the law of the requested Contracting State does not prosecute such a crime if perpetrated outside its territory by such a person.

7. If pardon was granted and included the perpetrators of these crimes in the requesting Contracting State.

8. If the legal system of the requested State does not permit extradition of its national, then it shall be obliged to prosecute whosoever commits a terrorist crime if the act is punishable in both States by a freedom restraining sentence for a minimum period of one year or more. The nationality of the person requested for extradition shall be determined according to the date of the crime taking into account the investigation undertaken in this respect by the requesting State.

### Article 7

If the person requested for extradition is under investigation or trial for another crime in the requested State, his extradition shall be postponed until the investigation is disposed of or the trial is over and the punishment implemented. In this case, the requested State shall extradite him provisionally for investigation or trial on condition that he shall be returned to it before execution of the sentence issued in the requested State.

### Article 8

For the purpose of extraditing crime perpetrators according to this Convention, the domestic legislations of Contracting States shall not have any bearing as to their differences with respect to the crime being classified as a felony or misdemeanor, nor as to the penalty prescribed for it.

## Section II
## Rogatory Commission

### Article 9

Each Contracting State shall request from any other Contracting State to undertake in its territory rogatory action with respect to any judicial procedures concerning an action involving a terrorist crime and in particular:

1. To hear witnesses and testimonies taken as evidence.
2. To communicate legal documents.
3. To implement inquiry and detention procedures.
4. To undertake on the scene inspection and analyse evidence.
5. To obtain necessary evidence or documents or records or their certified copies.

## Article 10

Each Contracting State shall implement rogatory commissions related to terrorist crimes and may reject the request for implementation with respect to the following cases.

1. If the crime for which the request is made, is the subject of a charge, investigation or trial in the country requested to implement rogatory commission.

2. If the implementation of the request prejudices the sovereignty or the security or public order of the country charged with this mission.

## Article 11

The request for rogatory mission shall be implemented promptly in accordance with the provisions of the domestic laws of the requested State and which may postpone its implementation until its investigation and prosecution procedures are completed on the same subject or until the compelling reasons that called for postponement are removed. In this case the requesting State shall be informed of this postponement.

## Article 12

The request for a rogatory commission related to a terrorist crime shall not be refused on the grounds of the rule of transaction confidentiality for banks and financial institutions. And in the implementation of the request the rules of the enforcing State are to be followed.

## Article 13

The procedure, undertaken through rogatory commission in accordance with the provisions of this Convention, shall have the same legal effect as if it was brought before the competent authority in the State requesting rogatory commission. The results of its implementation shall only be utilized within the scope of the rogatory commission.

## Section 3
## Judicial Cooperation

### Article 14

Each Contracting State shall extend to the other contracting parties every possible assistance as may be necessary for investigation or trial proceedings related to terrorist crimes.

### Article 15

1. If judicial competence accrues to one of the Contracting States for the prosecution of a subject accused of a terrorist crime. this State may request the country which hosts the suspect to prosecute him for this crime subject to the host country's consent and providing the crime is punishable in that country by a freedom restraining sentence for at least one year or by a more severe sanction. In such a case the requesting State shall pass all investigation documents and evidence related to the crime to the requested State.

2. Investigation or trial shall be conducted on the grounds of the case or cases brought by the requesting State against the accused in accordance with the legal provisions and procedures of the country holding the trial.

### Article 16

The request for trial on the basis of para (1) of the previous article, entails the suspension of procedures of prosecution. investigation and trial in the territory of the requesting State except those relating to the requisites of cooperation, assistance or rogatory commission sought by the State requested to hold the trial procedures.

### Article 17

1. Procedures undertaken in either of the two States - the requesting State or the one where the trial is held - shall be subject to the law of the country where the procedure is executed and which shall have legal preeminence as may be stipulated in its legislation.

2. The requesting State shall not bring to trial or retrial the accused subject unless the requested State refuses to prosecute him.

3. In all cases the State requested to hold trial shall inform the requesting country of its action with respect to the request for trial and shall communicate to it the results of its investigations or trial proceedings.

**Article 18**

The State requested to hold trial may undertake all measures and procedures stipulated by its legislation regarding the accused both before and after the request for trial is received.

**Section 4**
**SEIZED ASSETS AND PROCEEDS OF THE CRIME**

**Article 19**

1. If the extradition of a subject is decided, the Contracting State shall hand over to the requesting State the assets and proceeds seized, used or related to the terrorist crime, found in the possession of the wanted subject or with a third party.

**Article 20**

The State requested to hand over the assets and proceeds may undertake all necessary custodial measures and procedures for the implementation of its obligation. It may also retain them provisionally if required for penal action implemented therein or hand them to the requesting State on condition that they shall be returned for the same purpose.

**Section 5**
**Exchange of Evidence**

**Article 21**

A Contracting State shall see to it that the evidence and effects of any terrorist crime committed on its territory against another Contracting State are examined by its competent organs and may seek assistance to that end from any other Contracting State. Moreover, it shall take every necessary step to safeguard the evidence and proof of their legal relevance. It may communicate, if requested, the result to the country whose interest were targeted by the crime. The State or States which have assisted in this case shall not pass this information to others.

## Part III
## Mechanism for Implementing Cooperation

### Chapter I
### Extradition Procedures

### Article 22

The exchange of extradition requests between Contracting States shall be undertaken directly through diplomatic channels or through their Ministries of Justice or their substitute.

### Article 23

A request for extradition shall be submitted in writing and shall include:

1. The original or an authenticated copy of the indictment, arrest order or any other instruments of identical weight issued in line with the conditions stipulated in the requesting State's legislation.

2. A statement of the acts for which extradition is sought specifying the dates and places, where these acts were committed and their legal implications along with reference to the legal articles under which they fall as well as a copy of these articles.

3. Description, in as much detail as possible, of the subject wanted for extradition and any other information such as to determine his identity and nationality.

### Article 24

1. The judicial authorities in the requesting State may approach the requested State by any channel of written communication and seek the preventive arrest of the wanted subject pending the arrival of the extradition request.

2. In this case the requested State may effect the preventive arrest of the wanted subject. However, if the request for extradition is not submitted together with the necessary documents listed in the above article, the subject whose extradition is sought may not be detained for more than thirty days as of the day of his arrest.

## Article 25

The requesting State shall send a request together with the documents listed in Article 23 of this Convention. If the requested State accepts the request as valid, its competent authorities shall implement it in accordance with its legislation and shall promptly notify the requesting State of the action undertaken.

## Article 26

1. In all cases stipulated in the two articles above, preventive detention shall not exceed sixty days after the date of arrest.

2. Temporary release may be effected during the period stipulated in the previous article and the requested State shall take appropriate measures to ensure that the wanted subject does not escape.

3. Release shall not prevent the re-arrest of the subject and his extradition if it was requested after his release.

## Article 27

If the requested State requires additional clarification to ascertain the conditions stipulated in this chapter, it shall notify the requesting State thereof and fix a date for provision of such clarifications.

## Article 28

If the requested State received a number of extradition requests from various countries related to the same or diverse acts, this State shall decide upon these requests bearing in mind the circumstances and in particular the possibility of subsequent extradition, date of receiving the requests, degree of the danger of the crime and where it was committed.

## Chapter II
## Measures for Rogatory Commissions

### Article 29

Rogatory Commission requests must specify the following:

1. The competent authority that issued the request.
2. Subject of the request and its reason.
3. The identity and nationality of the person being the subject of the rogatory commission (as may be possible).
4. Information on the crime requiring rogatory commission, its legal definition and penalty inflicted on its perpetrators along with maximum available information on its circumstances in order to ensure the efficient implementation of the rogatory commission.

### Article 30

1. The request for rogatory commission shall be forwarded by the Ministry of Justice in the requesting State to the Ministry of Justice in the requested State and returned in the same way.
2. In case of expediency, the request for rogatory commission shall be directly forwarded by the judicial authorities in the requesting State to the judicial authorities in the requested State. A copy of this rogatory commission shall also be sent at the same time to the Ministry of Justice in the requested State. The rogatory commission shall be returned together with the papers concerning its implementation in the way stipulated in the previous item.
3. The request for rogatory commission may be forwarded directly from the judicial authorities to the competent authority in the requested country. Answers may be sent directly through the said authority.

### Article 31

Requests for rogatory commission and accompanying documents shall be signed or stamped with the seal of a competent authority or that authorized by it. These

documents shall be exempted from all formal procedures that could be required by the legislation of the requested State.

### Article 32

If the authority that received the request for rogatory commission was not competent enough to deal with it, it shall automatically transfer it to the competent authority in its country. If the request is forwarded directly the answer shall reach the requesting State in the same manner.

### Article 33

Any refusal for rogatory commission shall be explained.

## Chapter III

## Measures for Protecting Witnesses and Experts

### Article 34

If the requesting State deems that the appearance of the witness or expert before its judicial authorities is of special importance, reference thereto shall be made in its request. The request or summons shall include an approximate statement in terms of compensation, travel expenses, accommodation and commitment to make these payments. The requested State shall invite the witness or expert and inform the requesting State about his/her reply.

### Article 35

1. No penalty nor coercive measure may be inflicted upon the witness or expert who does not comply with the summons even if the writ provides for such a penalty.

2. If the witness or expert arrives voluntarily to the territory of the requesting State, he shall be summoned according to the provisions of the internal legislation of this State.

## Article 36

1. A witness or expert may not be subjected to trial, detained or have his freedom restricted in the territory of the requesting State, for acts or court rulings that preceded his departure for the requesting State, irrespective of his nationality, as long as his appearance before the judicial authorities of the said State is based on a summons.

2. No witness or expert, whatever his nationality, appearing before the judiciary of the State in question on the basis of a summons, may be prosecuted or detained or have his freedom restricted in any way on the requesting State's territory for other acts or court decisions not mentioned in the summons and predating his departure from the State from which he is requested.

3. The immunity privileges stated in this Article shall become invalid if a witness or expert remains on the requesting State's territories for over thirty consecutive days despite his ability to return once his presence was no longer requested by the judiciary, or if he returns to the requesting State's territories after his departure.

## Article 37

1. The requesting State shall undertake all necessary measures to ensure the protection of a witness or expert from publicity that could endanger him, his family or his property as a result of his testimony and in particular:

   a) To ensure confidentiality of the date and place of his arrival as well as the means involved.

   b) To ensure confidentiality of his accommodation, movements and locations where he may be found.

   c) To ensure confidentiality of the testimony and information given to the competent judical authorities.

2. The requesting State shall provide necessary security required by the condition of the witness or expert and of his family, and circumstances of the case and types of expected risks.

## Article 38

1. If the witness or expert who is summoned to the requesting State is imprisoned in the requested State, he shall be provisionally transferred to the location of the hearing at which he is to testify according to conditions and times determined by the requested State.

2. Transfer may be denied:

   a) If the witness or expert refuses.

   b) If his presence is necessary for undertaking criminal procedures in the territory of the requested State.

   c) If his transfer would prolong his imprisonment.

   d) If there are considerations militating against his transfer.

3. The transferred witness or expert shall remain in detention in the territory of the requesting State until he is repatriated to the requested Tate unless the latter requests his release.

## Section IV
## Final Provisions

## Article 39

This Convention shall be ratified, or adhered to, by the Signatory States and the instruments of ratification or accession shall be deposited with the General Secretariat of the Organisation of the Islamic Conference not exceeding a period of thirty days as of the date of ratification or accession. The General Secretariat shall inform all Member States about any deposition and date of such instruments.

## Article 40

1. This Convention shall enter into force thirty days after the deposit of the seventh instrument of ratification or accession at the OIC General Secretariat.

2. This Convention shall not be applicable to any other Islamic State until it deposits its instruments of ratification or accession with the General Secretariat of the Organisation of the Islamic Conference and after a period of thirty days of the date of deposition.

## Article 41

It is not permissible for any Contracting State to make any reservation. explicitly or implicitly in conflict with the provisions of this Convention or deviating from its objectives.

## Article 42

1. A Contracting State shall not withdraw from this Convention except by a written request to the Secretary General of the Organization of the Islamic Conference.

2. Withdrawal shall be affective six months after the date of sending the request to the Secretary General.

This Convention has been written in English, Arabic and French of equal authenticity, of one original deposited with the General Secretariat of the Organization of the Islamic Conference which shall have it registered at the United Nations Organization, in accordance with the provisions of Article 102 of its Charter. The General Secretariat shall communicate approved copies thereof to the Member States of the Organization of the Islamic Conference.

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